

Message Text

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SUBJ COMPUTER/COMMUNICATIONS--APRIL 18 CONSULTATIONS:

A VIEW FROM THE INTERDEPARTMENTAL COMMITTEE SECRETARIAT

REF OTTAWA 743

1. BEGIN SUMMARY. THIS TELEGRAM REVIEWS SUBSTANTIVE GOC THINKING WITH RESPECT TO APRIL 18 CONSULTATIONS, AS VIEWED BY SECRETARIAT OF THE INTERDEPARTMENTAL COMPUTER/COMMUNICATIONS COMMITTEE. EMBASSY SUGGESTS PRELIMINARY THOUGHT BE GIVEN NOW TO FOLLOW UP OF QUESTIONS ARISING FROM THAT ONE-DAY MEETING. END SUMMARY.

2. STATE OF PLAY WITH RESPECT TO FORTHCOMING CONSULTATIONS REVIEWED ON MARCH 11 BETWEEN EMBASSY TCO AND DR. PETER ROBINSON (SUCCESSOR TO HANS VON BAEYER), ACTING CHAIRMAN OF THE COMMITTEE, AND ITS SECRETARIAT WHICH IS HOUSED IN THE DEPARTMENT OF COMMUNICATIONS. FOLLOWING POINTS EMERGED WHICH SHOULD BE KEPT IN MIND BY WASHINGTON AGENCIES AS THEY UNDERTAKE FINAL PREPARATIONS FOR APRIL 18 MEETING:

A. 1973 GREEN PAPER (OTTAWA A-469, SEPT. 13, 1973) IS STILL CONSIDERED A DISCUSSION DOCUMENT RATHER THAN A FIRM POSITION OF GOVERNMENT POLICIES IN THIS EXTREMELY COMPLEX AREA. SOME TWENTY INTERAGENCY WORKING GROUPS ARE GRAPPLING WITH THE FORMULATION OF SPECIFIC POLICIES AND VERY LITTLE OF A HARD AND LIMITED OFFICIAL USE

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FAST NATURE HAS EMERGED. THE DECISION TO AVOID

IMPOSITION OF DUTIES ON IMPORTS OF DATA AND SOFTWARE, HE SUGGESTED, WAS THE MOST FIRM ACTION YET TAKEN (SEE OTTAWA A-660, DEC. 23, 1974). EVEN THE POLICY STATEMENTS ON THE ELECTRONICS PAYMENTS SYSTEM (SEE OTTAWA A-78, FEB. 10, 1975) AND THE ROLES OF THE TELECOMMUNICATIONS CARRIERS AND BANKS IN THE DATA PROCESSING BUSINESS (SEE OTTAWA A-151, MARCH 8, 1975) WERE NOT AS FIRM AS THEY APPEARED AND LEFT CONSIDERABLE SCOPE FOR FUTURE REFINEMENTS AS THE INDUSTRY DEVELOPED AND GOC PERCEPTIONS OF NATIONAL NEEDS ADVANCED. THE CENTER OF GRAVITY IN THE WHOLE EXERCISE ALSO CONTINUES TO BE IN THE INDIVIDUAL DEPARTMENTS FUNCTIONING AS LEAD AGENCIES WITH RESPECT TO SPECIFIC CONCERNS. THE INTERDEPARTMENTAL COMMITTEE AND THE SECRETARIAT PROVIDE ORGANIZED DIALOGUE AND CONSULTATION WITH INDUSTRY, BUT ARE NOT THEMSELVES THE DETERMINERS OF POLICY. INDUSTRY INPUT ON A VARIETY OF SPECIFIC QUESTIONS HAS BEEN EXTENSIVE AND IN MANY CASES HAS PROVIDED NEW PERSPECTIVES TO BOTH OFFICIALS AND BUSINESSMEN. BESIDES THE TELECOMMUNICATIONS CARRIERS, THE DATA PROCESSING FIRMS (ORGANIZED IN CANADIAN ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS) AND THE COMPUTER MANUFACTURERS (ORGANIZED IN CANADIAN BUSINESS EQUIPMENT MANUFACTURERS ASSOCIATION) CONTINUE TO PROVIDE VALUABLE INPUT. THE LATTER ORGANIZATION, REPRESENTING ESSENTIALLY THE MULTINATIONALS, APPEARS TO BE THE VEHICLE THROUGH WHICH US COMMERCIAL INTERESTS ARE MAKING THE LARGEST INPUT TO GOC THINKING, ALTHOUGH IT IS NEVER CLEAR TO WHAT EXTENT THE VIEWS EXPRESSED BY CANADIAN MANAGERMENTS ARE THEIR OWN OR DICTATED IN SOME DETAIL BY THE FOREIGN PARENT.

B. THE US NOTE OF APRIL 17, 1974 (STATE 072620, APRIL 10, 1974) HAS BEEN REVIEWED EXTENSIVELY BY THE AGENCIES, BUT THE SPECIFIC CONCERNS OF THE USG WITH RESPECT TO TRADE AND TRADE RELATED INVESTMENT ARE NOT CLEAR. THE AGENCIES CONSIDER THE USG VIEWPOINT AS ONE TO BE TAKEN INTO ACCOUNT IN THE DEVELOPMENT OF POLICIES AND ALTHOUGH THEY ARE DETERMINED TO PURSUE NATIONAL OBJECTIVES IN THIS AREA THEY HOPE TO MINIMIZE INTERGOVERNMENTAL ANTAGONISMS RESULTING FROM THIS EFFORT. LIMITED OFFICIAL USE

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CONSEQUENTLY, THEY HOPE THAT THE US DELEGATION ON APRIL 18 WILL BE AS SPECIFIC AS POSSIBLE WITH RESPECT TO OUR CONCERNS.

C. ROBINSON AND TCO REVIEWED THE LIST OF QUESTIONS ABOUT US POLICIES SUBMITTED BY GOC ON NOVEMBER 29 WITH A VIEW TO ASCERTAINING PRIORITIES WHICH SHOULD BE ADDRESSED IN PERHAPS THE TWO OR THREE HOURS WHICH WILL BE DEVOTED TO CANADIAN CONCERNS. ROBINSON

INDICATED THAT THIS QUESTION WAS ON HIS MIND AND THAT THE LISTING CONTAINED IN FULFORD'S LETTER (SEE OTTAWA 3874, NOV. 29, 1974) DID NOT REFLECT ANY PARTICULAR ORDER OF IMPORTANCE AND INDEED HE WAS NOT ENTIRELY SURE HOW THE ORDER HAD BEEN CHOSEN. HE SUGGESTED THAT MCARTHUR OF EXTAFF WAS INTERESTING HIMSELF IN THE PRIORITY QUESTION AND AN INQUIRY OF HIM WOULD BE MORE APPROPRIATE. (SUBSEQUENT DISCUSION WITH MCARTHUR CONFIRMED THAT HE WAS GIVING THE MATTER SOME THOUGHT BUT WAS GOING TO ADDRESS IT WITHIN THE FRAMEWORK OF THE INTERAGENCY COMMITTEE. CONSEQUENTLY, HE WOULD PROBABLY NOT BE ABLE TOGIVE US ANY VIEWS UNTIL A FEW DAYS BEFORE APRIL 18.) ROBINSON, HOWEVER, GAVE HIS PERSONAL INTERPRETATION OF WHAT HE PERCEIVED TO BE UPPERMOST IN THE MINDS OF GOC SUBSTANTIVE OFFICIALS: (I) UNDER QUESTION 1, HE FELT CURRENT USG THINKING ABOUT (A) THE PROPOSED IBM-COMSAT RELATION, (B) THE ROLE OF THE SPECIALIZED COMMUNICATIONS CARRIERS (DATRAN, ETC.) IN RELATION TO THE DATA PROCESSING BUSINESS, (C) REGULATION OF THE DATA PROCESSING INDUSTRY IN A MANNER SIMILAR TO THE REGULATION OF COMMUNICATIONS CARRIERS, AND (D) THE ROLE OF COMPETITION VERSUS REGULATION IN THE TOTAL COMPUTER/COMMUNICATIONS SYSTEM WOULD BE ESPECIALLY USEFUL.

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(II) UNDER QUESTION 2, THE CANADIANS WERE PARTICULARLY INTERESTED IN ACTIVITIES SUCH AS THOSE BEING PROMOTED BY THE MONTREAL-BASED CANADIAN ORGANIZATION FOR THE

SIMPLIFICATION OF TRADE PROCEDURES WHICH IS SUPPORTED BY THE MINISTRY OF TRANSPORT'S TRANSPORTATION DEVELOPMENT AGENCY. (NOTE: THESE ACTIVITIES RELATE TO WHAT IS BEING PROMOTED IN THE UNITED STATES BY THE NATIONAL COMMITTEE ON INTERNATIONAL TRADE DOCUMENTATION AND THE TRANSPORTATION DATA COORDINATION COMMITTEE. THE USG IS INVOLVED WITH THESE BODIES THROUGH HAL HARRIMAN OF THE DOT OFFICE OF FACILITATION AND, TO A LESSER EXTENT, THROUGH THE MARITIME ADMINISTRATION AND PERHAPS THE TRANSPORTATION AND INSURANCE DIVISION, BUREAU OF FOREIGN COMMERCE, DEPARTMENT OF COMMERCE.)

(III) UNDER QUESTION 3, THE COURT CASES INVOLVING IBM ARE OF PARTICULAR INTEREST.

(IV) ROBINSON HAS NO PARTICULAR COMMENT ON QUESTION 4 EXCEPT TO NOTE THAT THE WHOLE WORLD OF PRIVACY HAD GOTTEN OUT FROM THE JURISDICTION OF HIS COMMITTEE. (NOTE: LIST OF GOC PARTICIPANTS GIVEN US ON FEB. 14, SEE OTTAWA 547, INCLUDES A REPRESENTATIVE OF JUSTICE DEPARTMENT WHICH ALONG WITH DEPT. OF COMMUNICATIONS, HAS BASIC RESPONSIBILITY IN THIS AREA. THERE HAVE BEEN CONTACTS BETWEEN THOSE DEPARTMENTS AND GEORGE TRUBOW, GENERAL COUNSEL OF THE PRIVACY COMMITTEE, DOMESTIC COUNCIL, ON THE PRIVACY ISSUE.)

(V) HE HAD NO COMMENT ON QUESTION 5 AS STATED EXCEPT TO NOTE ITS CONTINUING RELEVANCE, BUT HE CONNECTED LIMITED OFFICIAL USE

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IT TO QUESTION 6 WHICH HE AMPLIFIED AS INVOLVING THE LIABILITY OF THE AMERICAN ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS-TYPE FIRM IN RELATION TO CUSTOMER PROTECTION. SPECIFICALLY, HE RAISED THE QUESTION OF POLICY ACCESS TO DATA IN STORAGE FOR MANIPULATION WITH SUCH A FIRM AND TO WHAT EXTENT A SEARCH WARRANT SHOULD BE ISSUABLE AGAINST THE PROCESSING FIRM RATHER THAN THE OWNER OF THE DATA.

(VI) WITH RESPECT TO QUESTION 7, HE INFORMED TCO THAT PRESENT THINKING IN GOC IS TO PROVIDE COPYRIGHT (RATHER THAN PATENT OR TRADEMARK) PROTECTION FOR PERHAPS FIVE TO EIGHT YEARS FOR COMPUTER SOFTWARE AND THAT USG REACTIONS TO THIS WOULD BE USEFUL. (NOTE: A COMPREHENSIVE REVISION OF THE COPYRIGHT ACT WAS RECENTLY ANNOUNCED BY GOC, SEE OTTAWA 0811.)

(VII) ROBINSON ALSO RAISED TWO OTHER QUESTIONS HE SAID WERE OF CONCERN TO HIS COMMITTEE ABOUT WHICH USG REACTIONS WOULD BE DESIRABLE:

(A) USG VIEWS REGARDING THE COMPETITION BETWEEN INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO) AND THE INTERNATIONAL TELECOMMUNICATIONS UNION'S CCITT IN THE DEVELOPMENT OF STANDARDS FOR THE COMPUTER/COMMUNICATIONS INDUSTRY;

(B) WHETHER USG WOULD HAVE ANY PROBLEMS WITH A GOC EFFORT TO BREAK UP IBM CANADA SO AS TO SEPARATE OUT THE COMPUTER SERVICE OPERATIONS FROM THE MANUFACTURING ENTERPRISE AS USG ITSELF DID THROUGH ANTITRUST ACTION IN 1960'S. (THIS ISSUE HAS BEEN UNDER STUDY IN CANADA, HE INDICATED, BUT FINDINGS TO DATE HAVE BEEN INCONCLUSIVE. HOWEVER, THERE IS A FEELING THAT IF SUCH A SEPARATION IS GOOD IN THE UNITED STATES, IT MIGHT ALSO BE GOOD IN CANADA.)

3. COMMENT: TCO HAS KNOWN ROBINSON FOR ABOUT EIGHTEEN MONTHS AND HAS FOUND HIM MUCH FRANKER AND LESS BUREAUCRATICALLY RIGID THAN VON BAEYER. ALTHOUGH HE IS NOT THE ULTIMATE DETERMINER OF POLICY, IN HIS NEW ROLE HE WILL HAVE A SIGNIFICANT INFLUENCE ON IT. EMBASSY BELIEVES CONTINUING USE OF THIS CHANNEL WILL BE LIMITED OFFICIAL USE

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HELPFUL.

4. EMBASSY CONSIDERS ROBINSON'S COMMENTS (PARA 2) ABOUT LACK OF CLARITY AS TO USG SPECIFIC CONCERNS TO BE HONEST AND FORTHRIGHT AND WE WOULD HOPE THAT SPECIFIC INDICATIONS CAN BE GIVEN AT APRIL 18 MEETING WITH RESPECT TO POLICIES THAT WILL CAUSE REAL DIFFICULTIES FOR THE BILATERAL RELATIONSHIP IF PURSUED BY GOC AS THE LATTER BECOMES MORE PRECISE IN THE DETERMINATION OF ITS OBJECTIVES AND THE SELECTION OF MEANS TO REALIZE THEM.

5. SOME THOUGHT SHOULD BE GIVEN BY WASHINGTON TO THE APRIL 18 FOLLOW UP. A ONE-DAY MEETING WILL NOT ALLOW ADEQUATE TIME FOR FULLEST EXPLORATION OF ALL THE QUESTIONS WHICH WILL BE RAISED ON BOTH SIDES.
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